

Docket No.: 49959-013

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

re Application of

Ariel BEN-PORATH, et al.

Serial No.: 09/111,454

Filed: July 8, 1998

For: AUTOMATIC DEFECT CLASSIFICATION WITH INVARIANT CORE CLASSES

RECEIVED

NOV 04 2003

Technology Center 2600

Group Art Unit: 2623

Examiner: V. Bali

TRANSMITTAL OF APPEAL BRIEF

Assistant Commissioner for Patents
Washington, DC 20231

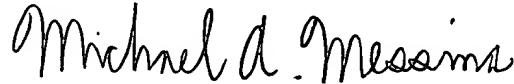
Sir:

Submitted herewith in triplicate is Appellant Appeal Brief in support of the Notice of Appeal filed January 22, 2003. Please charge the Appeal Brief fee of \$320.00 to Deposit Account 500417.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Michael A. Messina
Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 MAM:mcm
Date: April 17, 2003
Facsimile: (202) 756-8087

RECEIVED

TABLE OF CONTENTS

NOV 04 2003

I.	Real Party Interest.....	Technology ¹ Center 2600
II.	Related Appeals and Interferences.....	1
III.	Status of Claims.....	1
IV.	Status of Amendments	2
V.	Summary of Invention.....	2
VI.	Issues.....	3
VII.	Grouping of the Claims.....	3
VIII.	The Argument.....	4
	A. The Applied Prior Art.....	4
	1. Tagaki.....	4
	2. Broude.....	4
	3. Shimizu.....	4
	4. Shahar.....	4
	5. Tsuchiya.....	5
	B. The Issues Addressed.....	5
	1. The Examiner Did Not Establish a <i>Prima Facie</i> Case of Obviousness Under 35 U.S.C. § 103.....	5
	a. Claims 1-3, 6-8, 18-20, 23-25, 37, 38, 40-42 and 61-63 are not rendered obvious under 35 U.S.C. §103(a) by Tagaki in view of Broude and Shimizu, because the Examiner has not shown that all the limitations of those claims are taught or suggested by the references, and has not shown an objective teaching that would have motivated a skilled artisan to combine the references to yield the inventions of these claims.....	6

b.	Claims 35, 36 and 43-45 are not rendered obvious under 35 U.S.C. §103(a) by Tagaki in view of Broude, Shimizu and Shahar, because the Examiner has not shown that all the limitations of their base claims are taught or suggested by the references.....	11
c.	Claims 46 and 47 are not rendered obvious under 35 U.S.C. §103(a) by Tagaki in view of Shahar, because the Examiner has not shown that all the limitations of these claims are taught or suggested by the references.....	12
d.	Claim 48 is not rendered obvious under 35 U.S.C. §103(a) by Tagaki in view of Shahar and Tsuchiya, because the Examiner has not shown that all the limitations of its base claim are taught or suggested by the references.	13
IX.	Summary.....	14
X.	Prayer for Relief.....	14
Appendix		

Claims on Appeal

RECEIVED

NOV 04 2003

Technology Center 2600